

102 KAR 1:165. Surviving children's benefits.

RELATES TO: KRS 161.520

STATUTORY AUTHORITY: KRS 161.310, 161.520(7), (8)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.310 requires the Board of Trustees of the Kentucky Teachers' Retirement System (TRS) to promulgate administrative regulations for the administration of funds of the retirement system and for the transaction of business. KRS 161.520(8) requires the board to promulgate administrative regulations for the administration of survivor's benefits for a deceased member's child. KRS 161.520(7) provides that the Board of Trustees of TRS may require application for survivor's benefits. This administrative regulation defines "recognized educational program," and establishes specific guidelines for administering survivor's benefits and this authorized extension of the benefit period.

Section 1. Definitions. (1) "Full-time student" means a student who is in full-time attendance in a recognized educational program and is carrying a subject load that is considered full time for day students under the standards and practices of the educational institution.

(2) "Recognized educational program" means an educational program beyond the high school level that has been approved by a state, or accredited by a state or nationally-recognized accrediting agency.

Section 2. (1) An application for survivor's benefits for a minor child shall be filed on the Application for Survivor Benefits form and shall include a photocopy of:

- (a) The child's Social Security card; and
- (b) The child's certified birth certificate.

(2) If the application is approved, the minor child's monthly payment shall continue until one (1) of the conditions for termination of benefits in KRS 161.520(6) is met.

Section 3. (1) If a child meets the requirements set forth in KRS 161.520(3)(a), an Application for Adult Disabled Child Benefit form may be filed and shall include:

- (a) A photocopy of the child's Social Security card;
- (b) A photocopy of the child's certified birth certificate;
- (c) A copy of the most recent Federal Income Tax Return listing the child as a dependent;
- (d) Report of Physician for Applicant/Disabled Child Benefit form; and
- (e) Authorization for Direct Deposit of \$200 Adult Disabled Child Benefit form.

(2) If the application is approved, the adult child's monthly payment shall continue until one (1) of the conditions for termination of benefits in KRS 161.520(3)(a) is met.

Section 4. A minor child receiving payment of survivor's benefits shall be paid in full for any month in which some payment is due. If the child is, or plans to be, a full-time student in a recognized educational program, he may apply for continuation or restoration of his monthly benefit. If the child's application is approved, his monthly payment shall continue until one (1) of the conditions for termination of benefits in KRS 161.520(6) is met.

Section 5. If the child is a full-time student in a recognized educational program when he reaches age eighteen (18), he shall make application for continuation of his benefit at least thirty (30) days prior to his 18th birthday. A child who is accepted as a full-time student in a recognized educational program after he attains age eighteen (18) shall make application for restoration of his monthly benefit at least thirty (30) days prior to his registration as a student.

Section 6. Benefit payments for a properly qualified student shall begin with the first month in which he is in full-time attendance at a recognized educational program. The student shall be eligible for a full monthly benefit for his first month of attendance.

Section 7. Proof of full-time school attendance shall be required if a child has reached age eighteen (18) but not age twenty-three (23). If the child is eighteen (18) and in high school, within ten (10) days of receipt, the child shall complete and file the Student's Statement Regarding School Attendance form. If the child is a student in a recognized educational program, the child shall provide proof of continuing full-time school attendance by completing and filing the Student's Information Update Form after he has attended his first day of class. The information supplied by the child shall be corroborated by either a Verification of Full-Time High School Attendance form or a Verification of Full-Time College Attendance form completed and filed by the appropriate high school or recognized educational program.

Section 8. Benefit payments may continue through the normal school vacation periods if the child was a full-time student immediately prior to the vacation period and he intends to continue full-time or actually does attend full-time after the end of the vacation period. Benefit payments shall not be made for more than four (4) months of vacation time during a school year. Benefit payments shall not be made during the summer vacation periods or the following school semesters until the Student's Statement Regarding School Attendance form is received by the retirement system.

Section 9. If TRS verifies that a child has received survivor's benefits for a period in which the child was either no longer dependent or not enrolled as a full-time student in a recognized educational program, TRS shall seek reimbursement of the benefits paid for that period.

Section 10. A child eighteen (18) and younger may be entitled to benefits retroactively to the date of the member's death. A full-time student in a recognized educational program may be entitled to benefits retroactively for as many as six (6) months, beginning with the first month in the six (6) month retroactive period in which he met all the requirements to be entitled to benefits except for the filing of an application.

Section 11. When a child attains age eighteen (18) and continues to be entitled to benefits as a full-time student, the person who has been receiving the benefit payments shall continue to receive the payments unless it is deemed advisable to make payment directly to the child or in some other manner.

Section 12. Incorporation by Reference. (1) The following material is incorporated by reference:

- (a) "Application for Survivor Benefits" form (Form 15), 2016;
- (b) "Student's Statement Regarding School Attendance" form (SUR-1), 2016;
- (c) "Student Information Update Form" (SUR-2), 2016;
- (d) "Verification of Full-Time College Attendance" form (SUR-3), 2016;
- (e) "Verification of Full-Time High School Attendance" form (SUR-4), 2016;
- (f) "Application for Adult Disabled Child Benefit" form (Form 19), 2016;
- (g) "Report of Physician for Applicant/Disabled Child Benefit" form, 2016; and
- (h) "Authorization for Direct Deposit of \$200 Adult Disabled Child Benefit" form, 2016.

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